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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 4, 2004

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair; and Senators Andreason, Gannon, Malepeai, McWilliams, Noble, Noh, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Steven Briggs, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 3, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators McWilliams, Noble, and Werk were recorded present at this order of business.

SCR 133

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF APPROPRIATE AND EFFECTIVE MEANS OF IMPROVING THE PUBLIC CHARTER SCHOOLS ACT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Legislature recognizes the importance of charter schools among the public educational offerings in our state; and

WHEREAS, the Public Charter Schools Act has been found to be in need of adjustment based on a review of issues from public school stakeholders across the state of Idaho by the State Board of Education; and

WHEREAS, the need to amend the Public Charter Schools Act is evident to associations of professional educators and parents who have made recommendations for changes; and

WHEREAS, it is evident from the large number of submissions of uncoordinated bills by various entities that changes are being sought to the public charter school law; and

WHEREAS, due to a lack of coordination, collaboration and consideration among supporters for change, it is necessary to consider how the various legislative solutions align and fit together; and

WHEREAS, it is evident that the Legislature must find a way to address the concern for current charter school funding, governance and operations; and

WHEREAS, there is a compelling need for the Legislature to establish a committee to consider the broad range of possible solutions and provide recommendations and guidance to the full Legislature to reach genuine, coordinated solutions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of appropriate and effective means of amending the Public Charter Schools Act. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-eighth Idaho Legislature.

SR 109

BY STATE AFFAIRS COMMITTEE

A SENATE RESOLUTION

EXPRESSING SINCERE APPRECIATION AND GRATITUDE IN MEMORY OF JANICE DIXON FOR HER DEDICATED AND DEVOTED CONTRIBUTION TO IDAHO EDUCATION AND TO THE LIVES OF IDAHO CHILDREN.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate herein extends its sincere appreciation and gratitude in memory of Janice Dixon, who passed away suddenly on February 12, 2004, for her dedicated and devoted contribution to Idaho education and to the lives of Idaho children; and

WHEREAS, Janice Dixon was born and raised in Gooding, Idaho, graduating from Gooding High School in 1969; and

WHEREAS, after earning her college degree, Janice Dixon returned to Idaho, teaching first and second grade in Idaho Falls for the next thirty years, the last twenty-four of which were at Westside Elementary School; and

WHEREAS, Janice Dixon was known by her friends, colleagues, and the parents of her students, as a woman of great kindness, concern and inspiration; and

WHEREAS, Janice Dixon used many effective reading strategies to enhance the first and second grade curricula; and

WHEREAS, State Senator Bart Davis, while participating in reading to the students of Janice Dixon, found her love for her students remarkable as she taught how letters become words, how words become sentences, and how sentences become thoughts; and

WHEREAS, Janice Dixon positively touched the lives of hundreds of Idaho children with her endless encouragement and support and will be remembered by these children as a teacher who genuinely cared about them and who made a difference in their lives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, that the Senate expresses its sincere appreciation and gratitude in memory of Janice Dixon for her dedicated and devoted contribution to Idaho education and to the lives of Idaho children.

SCR 133 and **SR 109** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Andreason, Gannon, and Malepeai were recorded present at this order of business.

March 4, 2004

The JUDICIARY AND RULES Committee reports that **S 1430**, **S 1431**, **S 1432**, **S 1433**, and **S 1434** have been correctly printed.

DARRINGTON, Chairman

S 1430, **S 1431**, **S 1432**, **S 1433**, and **S 1434** were referred to the Finance Committee.

March 3, 2004

The JUDICIARY AND RULES Committee reports that **S 1227**, **S 1228**, **S 1252**, **S 1277**, **S 1365**, and **S 1377** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1227**, **S 1228**, **S 1252**, **S 1277**, **S 1365**, and **S 1377** and ordered them transmitted to the House for the signature of the Speaker.

March 3, 2004

The HEALTH AND WELFARE Committee reports out **S 1289** and **S 1418** with the recommendation that they do pass.

BRANDT, Chairman

S 1289 and **S 1418** were filed for second reading.

March 3, 2004

The FINANCE Committee reports out **H 764**, **H 766**, and **H 767** with the recommendation that they do pass.

CAMERON, Chairman

H 764, **H 766**, and **H 767** were filed for second reading.

March 3, 2004

The JUDICIARY AND RULES Committee reports out **S 1407**, **H 668**, and **H 519** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1407, **H 668**, and **H 519** were filed for second reading.

March 3, 2004

The JUDICIARY AND RULES Committee reports out **H 520** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 520** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 669**, **H 593**, and **H 633** with the recommendation that they do pass.

NOH, Chairman

H 669, **H 593**, and **H 633** were filed for second reading.

March 4, 2004

The FINANCE Committee reports out **S 1430**, **S 1431**, **S 1432**, **S 1433**, and **S 1434** with the recommendation that they do pass.

CAMERON, Chairman

S 1430, **S 1431**, **S 1432**, **S 1433**, and **S 1434** were filed for second reading.

March 3, 2003

The STATE AFFAIRS Committee reports out **H 502** without recommendation.

SORENSEN, Chairman

H 502 was filed for second reading.

March 4, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1388** and **H 661** with the recommendation that they do pass.

BUNDERSON, Chairman

S 1388 and **H 661** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Noh and Schroeder were recorded present at this order of business.

March 3, 2004

Mr. President:

I transmit herewith **H 768** which has passed the House.

JUKER, Chief Clerk

H 768 was filed for first reading.

March 3, 2004

Mr. President:

I transmit herewith Enrolled **HCR 43** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 43** and ordered it returned to the House.

March 3, 2004

Mr. President:

I return herewith Enrolled **S 1207**, **S 1208**, **S 1209**, and **S 1226** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1207**, **S 1208**, **S 1209**, and **S 1226** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that **SCR 132** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

Moved by Senator Ingram, seconded by Senator Marley, that **SCR 132** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Marley, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stennett, Werk, Williams. Total - 26.

NAYS--Little, Lodge, McKenzie, Noble, Pearce, Sweet. Total - 6.

Absent and excused--Burkett, Malepeai, Stegner. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **SCR 132** adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **SJM 109** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Ingram, seconded by Senator Marley, **SJM 109** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1435

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5003, IDAHO CODE, TO DEFINE "HEATING, VENTILATION AND AIR CONDITIONING SPECIALTY APPRENTICE" AND "HEATING, VENTILATION AND AIR CONDITIONING SPECIALTY JOURNEYMAN"; AMENDING SECTION 54-5005, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE BOARD; AMENDING SECTION 54-5006, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION

OF BUILDING SAFETY MAY APPOINT HEARING OFFICERS AND IMPOSE CIVIL PENALTIES AS PROVIDED BY LAW AND RULE OF THE BOARD AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-5007, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY WITH RESPECT TO REQUIREMENTS FOR CERTIFICATES OF COMPETENCY; AMENDING SECTION 54-5009, IDAHO CODE, TO INCLUDE SPECIALTY APPRENTICES IN THE CLASSIFICATION OF APPRENTICE, TO INCLUDE SPECIALTY JOURNEYMEN IN THE CLASSIFICATION OF JOURNEYMEN AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5012, IDAHO CODE, TO PROVIDE APPLICATION AND CERTIFICATION FEES FOR SPECIALTY CONTRACTORS AND SPECIALTY JOURNEYMEN AND TO PROVIDE A REGISTRATION FEE FOR SPECIALTY APPRENTICES; AMENDING SECTION 54-5013, IDAHO CODE, TO REVISE REQUIREMENTS FOR RENEWAL OF A CERTIFICATE, TO PROVIDE FOR REINSTATEMENT OF A REVOKED CERTIFICATE AND TO PROVIDE PROPER TERMINOLOGY; AMENDING CHAPTER 50, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5013A, IDAHO CODE, TO PROVIDE FOR REVOCATION OR SUSPENSION OF A CERTIFICATE, HEARINGS, TAKING TESTIMONY AND JUDICIAL REVIEW; AMENDING SECTION 54-5014, IDAHO CODE, TO PROVIDE THAT SPECIALTY JOURNEYMEN AND SPECIALTY APPRENTICES SHALL HAVE THEIR CERTIFICATE OF COMPETENCY OR ANNUAL REGISTRATION CARD AVAILABLE AT ALL TIMES WHILE ON THE JOB; AMENDING SECTION 54-5015, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5016, IDAHO CODE, TO EXTEND THE DATE FROM JULY 1, 2004, TO JANUARY 1, 2005, WHEN IT SHALL BE REQUIRED THAT PERMITS BE OBTAINED BEFORE PERFORMING NEW HEATING, VENTILATION OR AIR CONDITIONING WORK AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5017, IDAHO CODE, TO EXTEND THE DATE FROM JULY 1, 2004, TO JANUARY 1, 2005, WHEN APPLICATION CAN BE MADE FOR A PERMIT, TO ESTABLISH FEES BY LAW UNTIL THE BOARD ESTABLISHES FEES BY RULE, TO PROVIDE FOR EXPIRATION OF PERMITS, TO PROVIDE FOR ASSESSMENT OF DOUBLE AND TRIPLE FEES AND TO PROVIDE PROPER TERMINOLOGY; AMENDING SECTION 54-5022, IDAHO CODE, TO REVISE PENALTY PROVISIONS, TO INCREASE THE CIVIL PENALTY AND TO PROVIDE PROPER TERMINOLOGY; AND DECLARING AN EMERGENCY.

S 1436

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO TRANSPORTATION PROJECTS; AMENDING CHAPTER 3, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-315, IDAHO CODE, TO SET FORTH POWERS AND DUTIES OF THE IDAHO TRANSPORTATION BOARD RELATING TO FEDERALLY FUNDED HIGHWAY PROJECT FINANCING; AMENDING SECTION 40-702, IDAHO CODE, TO PROVIDE THAT THE STATE HIGHWAY ACCOUNT SHALL INCLUDE CERTAIN FEDERAL SURFACE

TRANSPORTATION FUNDS; AMENDING SECTION 40-707, IDAHO CODE, TO REVISE THE APPROPRIATION OF MONEYS IN THE STATE HIGHWAY ACCOUNT; AMENDING SECTION 67-6201, IDAHO CODE, TO REVISE THE LEGISLATIVE PURPOSE; AMENDING SECTION 67-6205, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 67-6206, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE IDAHO HOUSING AND FINANCE ASSOCIATION; AMENDING CHAPTER 62, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6206A, IDAHO CODE, TO PROVIDE FOR COOPERATION WITH MUNICIPALITIES OR STATE BODIES FOR TRANSPORTATION PROJECTS; AMENDING SECTION 67-6210, IDAHO CODE, TO PROVIDE FOR ADDITIONAL PROVISIONS FOR RESOLUTIONS AUTHORIZING NOTES OR BONDS OR ANY ISSUE THEREOF AND TO PROVIDE THAT THE ASSOCIATION SHALL NOT ISSUE BONDS OR NOTES TO FINANCE TRANSPORTATION PROJECTS UNLESS CERTAIN CONDITIONS ARE MET; AND DECLARING AN EMERGENCY.

S 1437

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STREAMLINED SALES TAX SYSTEM; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-3641, 63-3642, 63-3643, 63-3644, 63-3645, 63-3646, 63-3647, 63-3648 AND 63-3649, IDAHO CODE, TO PROVIDE DEFINITIONS, TO AUTHORIZE THE STATE TAX COMMISSION TO PARTICIPATE IN MULTISTATE DISCUSSIONS, TO ESTABLISH AN ADVISORY GROUP, TO AUTHORIZE THE STATE TAX COMMISSION TO REPRESENT AND VOTE FOR THIS STATE IN REGARD TO THE STREAMLINED SALES TAX AGREEMENT, TO GRANT THE STATE TAX COMMISSION AUTHORITY TO ENTER INTO THE AGREEMENT, TO ESTABLISH THE RELATIONSHIP OF THE AGREEMENT TO STATE LAW, TO DESCRIBE THE MINIMUM TERMS OF THE AGREEMENT, TO DESCRIBE THE RELATIONSHIP AMONG THE COOPERATING SOVEREIGNS IN THE AGREEMENT, TO DESCRIBE THE LIMITED EFFECT OF THE AGREEMENT, TO LIMIT CAUSES OF ACTION BASED ON THE AGREEMENT, TO PROVIDE THAT THE AGREEMENT MAY NOT SUPERSEDE ANY PROVISION OF STATE LAW, TO AUTHORIZE AND DESCRIBE CONTRACTS WITH CERTIFIED SERVICE PROVIDERS AND TO REQUIRE THE STATE TAX COMMISSION TO PREPARE AND REPORT TO THE LEGISLATURE PROPOSED LEGISLATION TO CONFORM STATE LAW TO THE AGREEMENT.

S 1438

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO COMMISSION ON THE ARTS; AMENDING SECTION 67-5601, IDAHO CODE, TO REVISE THE DECLARATION OF POLICY; AMENDING SECTION 67-5602, IDAHO CODE, TO STRIKE RESTRICTIVE LANGUAGE; AMENDING SECTION 67-5604, IDAHO

CODE, TO PROVIDE ADMINISTRATIVE AUTHORITY IN THE EXECUTIVE DIRECTOR; AMENDING SECTION 67-5605, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS AND TO PROVIDE FOR RULES; AMENDING SECTION 67-5606, IDAHO CODE, TO ADD SERVICES AUTHORIZED; AMENDING SECTION 67-5607, IDAHO CODE, TO CORRECT REFERENCE TO THE NATIONAL ENDOWMENT FOR THE ARTS AND TO PROVIDE THAT ALL FUNDS IN THE CUSTODY OR CONTROL OF THE COMMISSION ON THE ARTS, ALL GIFTS, CONTRIBUTIONS AND BEQUESTS OF FUNDS TO THE COMMISSION, AND ANY FUNDS RECEIVED FROM THE NATIONAL ENDOWMENT FOR THE ARTS BY THE COMMISSION, ARE HEREBY DECLARED EXEMPT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; AND REPEALING SECTION 67-5608, IDAHO CODE.

S 1439
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO COUNTY-BASED INTERMODAL COMMERCE AUTHORITIES; AMENDING TITLE 70, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 22, TITLE 70, IDAHO CODE, TO AUTHORIZE A COUNTY-BASED INTERMODAL COMMERCE AUTHORITY, TO SET FORTH PURPOSES, TO PROVIDE FOR ESTABLISHMENT AND ABOLISHMENT, TO PROVIDE FOR COMMISSIONERS, TO PROVIDE FOR THE COOPERATION OF COUNTIES, TO SET FORTH GENERAL POWERS OF A COUNTY-BASED INTERMODAL COMMERCE AUTHORITY, TO PROVIDE FOR RULES, POLICIES AND ORDERS, TO PROVIDE FOR SUPPLEMENTARY POWERS, TO PROVIDE FOR THE GRANTING OF OPERATION AND USE PRIVILEGES, TO PROVIDE FOR THE DISPOSAL OF PROPERTY, TO PROVIDE FOR BONDS AND OBLIGATIONS, TO PROVIDE FOR THE CREATION OF A DEBT SERVICE FUND, TO SET FORTH PROVISIONS APPLICABLE TO FEDERAL, STATE AND LOCAL MONEY AND TO PROVIDE FOR TAX EXEMPT STATUS.

S 1435, S 1436, S 1437, S 1438, and S 1439 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 768, by Appropriations Committee, introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1270, by Education Committee, was read the second time at length and filed for third reading.

S 1275, by Transportation Committee, was read the second time at length and filed for third reading.

S 1395, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 474 and **H 475**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

H 585 and **H 568**, by Business Committee, were read the second time at length and filed for third reading.

H 762 and **H 763**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, and S 1429, by Finance Committee, were read the second time at length and filed for third reading.

H 524, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

S 1262, as amended, and **S 1280**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1284, as amended, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1317, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1310, as amended, and **S 1328**, as amended, by Education Committee, were read the second time at length and filed for third reading.

S 1307, as amended, and **S 1269**, as amended, by Local Government and Taxation Committee, were read the second time at length and filed for third reading.

S 1313, as amended, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

S 1373, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1350, as amended, and **S 1329**, as amended, by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 720** was placed at the head of the Third Reading Calendar, and **H 542** was placed at the head of the House bills.

H 720 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Hill, Ingram, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 23.

NAYS--Andreason, Calabretta, Goedde, Kennedy, Keough, Malepeai, Marley, Noh, Schroeder, Stennett, Werk. Total - 11.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 720** passed, title was approved, and the bill ordered returned to the House.

S 1348, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Calabretta, Darrington, Davis, Duncan (Compton), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 26.

NAYS--Brandt, Bunderson, Burtenshaw, Cameron, Keough, Noble, Pearce, Sweet. Total - 8.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1348** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11 a.m. until the hour of 9:30 a.m., Friday, March 5, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary